

ESTTA Tracking number: **ESTTA426074**

Filing date: **08/19/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197008
Party	Defendant Aurum Ceramic Dental Laboratories Ltd.
Correspondence Address	DAVID L MAY ESQ NIXON PEABODY LLP 401 9TH STREET NW, SUITE 900 WASHINGTON, DC 20004-2128 UNITED STATES nptm@nixonpeabody.com, was.managing.clerk@nixonpeabody.com, dmay@nixonpeabody.com, lgolden@nixonpeabody.com
Submission	Other Motions/Papers
Filer's Name	Jeffrey S. Molinoff
Filer's e-mail	jmolinoff@nixonpeabody.com,dmay@nixonpeabody.com,was.managing.clerk@nixonpeabody.com
Signature	/JSM/
Date	08/19/2011
Attachments	91197008 Supplemental_Motion_to_Withdraw with Executed Agreement.pdf (3 pages)(58039 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ULTRADENT PRODUCTS, INC.,

Opposer,

 \mathbf{y}_i

AURUM CERAMIC DENTAL LABORATORIES LTD.,

Applicant.

Opposition No. 91197008
Application No. 77/652,203

**SUPPLEMENTAL CONSENT MOTION TO WITHDRAW APPLICATION AND
DISMISS OPPOSITION WITH PREJUDICE**

Pursuant to an Agreement effective August 10, 2011, Applicant Aurum Ceramic Dental Laboratories Ltd., with the consent of Opposer Ultradent Products, Inc., hereby withdraws its application to register the mark OPALITE for Dental veneers, U.S. Trademark Application Serial No. 77/652,203. Applicant further requests the Board dismiss TTAB Opposition No. 91197008 with prejudice. Opposer's written consent to the withdrawal of the application and dismissal of the opposition with prejudice is attached hereto in the form of a redacted copy of the executed Agreement.

Dated: August 19, 2011

Respectfully submitted,

NIXON PEABODY LLP

by: /JSM/
David L. May
Jeffrey Molinoff

401 9th Street, N.W., Suite 900
Washington, D.C. 20004-2128

202-585-8000 (Phone)
202-585-8080 (Facsimile)
dmay@nixonpeabody.com
jmolino@nixonpeabody.com

Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing Consent Motion to Withdraw Application and Dismiss Opposition with Prejudice, via e-mail, on August 19, 2011, on:

Jonathan Richards
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Lake City, Utah 84111
JRichards@wnlaw.com<mailto:john@johndmeyers.com>

/JSM/
Jeffrey S. Molinoff

AGREEMENT

THIS AGREEMENT, effective as the date of full execution of the signature blocks below (the "Effective Date"), is made by and between Aurum Ceramic Dental Laboratories Ltd. ("Aurum"), a Canadian corporation having an office and principal place of business at 115-17th Avenue SW, Calgary, Alberta Canada T2S0A1; and Ultradent Products, Inc. ("Ultradent"), a Utah corporation with an address of record at 505 West 10200 South, South Jordan, Utah 84095 United States. This Agreement may refer to Aurum and Ultradent individually as a "Party" or collectively as the "Parties."

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree as follows:

10. Within ten (10) days of the Effective Date of this Agreement, Aurum will file the necessary documents with the U.S. Trademark Trial and Appeal Board needed to dismiss TTAB Opposition No. 91197008 with prejudice. Within ten (10) days of the Effective Date of this Agreement, Aurum will also file the necessary documents with the U.S. Patent and Trademark Office needed to voluntarily withdraw or abandon the '203 Application.

**AURUM CERAMIC DENTAL
LABORATORIES LTD.**

By: 

Name: Hans Mäier

Title: President

Date: 8-10-2011

ULTRADENT PRODUCTS, INC.

By: 

Name: Dan E. Fischer

Title: President and CEO

Date: 7-15-2011